

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION**

WENDY DEAN,)
)
Plaintiff,)
)
v.) **CIVIL ACTION NO.:**
)
AUBURN LODGING ASSOCIATES,) **3:05-CV-756-B**
LLC)
)
Defendant.)

DEFENDANT'S MOTION FOR ENLARGEMENT OF TIME

COMES NOW DEFENDANT, Auburn Lodging Associates, LLC, by and through its counsel and request this Honorable Court pursuant to Rule 6(b) of the Federal Rules of Civil Procedure to enter an order granting an extension or enlargement of time for said defendant to file its Answer/Response in this action. In support of said motion, defendant states as follows:

1. This action was filed on August 9, 2005. The Complaint was served on the defendant on September 23, 2005. The time for filing a responsive pleading or motion is October 13, 2005.

2. The facts and circumstances surrounding the incidents made the basis of this action appear to be detailed, and the undersigned is in need of additional time in which to obtain an understanding of the true facts and circumstances involved in this action in order to file meaningful Answer/Response.

3. The undersigned has contacted plaintiff's counsel, Edward Zwilling, and requested that the time for defendant to Answer/Respond to plaintiff's complaint be extended 21 days from the date on which defendant's Answer/Response is due to be filed. Plaintiff's counsel

does not oppose this motion for an extension of 21 days to Answer/Respond to plaintiff's complaint.

4. Defendant requests this Honorable Court to grant an additional 21 days for it to (a) determine the true facts and circumstances surrounding this action and (b) evaluate the facts and circumstances surrounding this action in order for the undersigned to file meaningful Answer/Response to plaintiff's complaint.

WHEREFORE, PREMISES CONSIDERED, defendant requests this Honorable Court to enter an order extending the time for the filing of defendant's Answer/Response in this action until November 3, 2005.

/s/ Mac B. Greaves
Mac B. Greaves (GRE007)
Attorneys for Defendant
Auburn Lodging Associates, LLC

OF COUNSEL:

BURR & FORMAN LLP
3100 SouthTrust Tower
420 North 20th Street
Birmingham, Alabama 35203
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CERTIFICATE OF SERVICE

I hereby certify that on October 1st, 2005, the foregoing MOTION FOR ENLARGEMENT OF TIME has been electronically filed using the CM/ECF system, which will send notifications of such filing to the following:

Edward Zwilling
Schwartz Zweben & Slingbaum
300 Office Park Drive
Suite 217
Birmingham, AL 35223

/s/ Mac B. Greaves
OF COUNSEL